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MEMO ENDORSED

January 15, 2008

Via Facsimile  
Honorable Colleen McMahon  
United States District Court  
500 Pearl Street, Room 640  
New York, New York 10007

*let me hear from  
defendants on this  
very issue*

Re: Shaw Family Archives, Ltd. et al. v. CMG Worldwide, Inc. et al., Index No. 05 CV 3939

Dear Judge McMahon:

To properly prepare the pre-trial order due on January 22, 2008, the Shaw Family respectfully requests a clarification of whether the Court (i) intends to hold a bench trial on the issue of whether Ms. Monroe died a New York domiciliary and (ii) expects the parties to submit a pre-trial order that also includes information pertinent to the Defendants' request that certain of the Shaw Family copyrights are in the public domain.

First, the Court's November 29, 2007 Order states that "~~the determination of Ms. Monroe's domicile is a question of fact, and the Court intends to sever that issue and try it early next year.~~" *not necessary* Because the Shaw Family's request for a declaratory judgment on the domicile issue is clearly equitable in nature, the Shaw Family took Your Honor's Order to mean that the Court would hold a bench trial on the domicile issue. The Defendants disagree with this determination.

Second, because the Court has decided to sever the domicile issue and try it first, we seek clarification of whether Your Honor expects the pre-trial order to also contain information pertaining to Defendants' declaratory judgment that certain Shaw Family copyrights are in the public domain, even though that claim will not be tried in the upcoming months.

The Shaw Family thanks the Court for its assistance.

Respectfully Submitted,

*Christopher Serbagi*  
Christopher Serbagi

cc: Paula Colbath, Esq. (via electronic communication)  
Ted Minch, Esq. (via electronic communication)

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